

REMARKS

By this response, Applicants have amended claims 20, 24, and 29, and added new claims 33-36. As a result, claims 20-36 remain pending in this application. These amendments are being made to facilitate early allowance of the presently claimed subject matter. Applicants do not acquiesce in the correctness of the objections and rejections and reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Final Office Action, claims 22, 23, 26, and 27 are objected to as being dependent upon a rejected base claim. Applicants thank the Examiner for the indication of allowable subject matter in these claims. By this response, Applicants have added claims 33 and 34, which correspond to the allowed claims 22 and 23, and claims 35 and 36, which correspond to the allowed claims 26 and 27. As a result, Applicants respectfully submit that entry of claims 33-36 is proper and that these claims are allowable as presented.

Further, the Office rejects claims 20, 21, and 31-32 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,523,589 (Edmond) in view of U.S. Patent No. 6,359,292 (Sugawara). Still further, the Office rejects claims 24-25 and 28-30 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Edmond in view of Sugawara further in view of Japanese Patent No. 11-243251 (Sasanuma).

By this response, Applicants have amended claims 20, 24, and 29. Entry of these amendments is proper under 37 C.F.R. 1.116(b) because the amendments: (a) place the application in condition for allowance as discussed below; (b) do not raise any new issues

requiring further search and/or consideration; and (c) place the application in better form for appeal. Accordingly, Applicants respectfully request entry of these amendments.

In maintaining the rejection, the Office acknowledges that the cited art fails to disclose the claimed quaternary layer directly on the claimed buffer layer. To this extent, Applicants have amended claims 20, 24, and 29 to expressly state that the respective layers are “directly on” adjacent layers. In light of this, Applicants respectfully submit that the claimed devices are clearly patentable over the cited art, which includes three intervening layers between a GaN buffer layer and a quaternary layer. As a result, Applicants respectfully request withdrawal of the rejection of claims 20, 21, and 31-32 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Edmond in view of Sugawara and the rejection of claims 24-25 and 28-30 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Edmond in view of Sugawara further in view of Sasanuma.

Applicants submit that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicants do not acquiesce to the Office’s interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicants do not acquiesce to the Office’s combinations and modifications of the various references or the motives cited for such combinations and modifications that were not specifically addressed herein. These features and the appropriateness of the Office’s combinations and modifications have not been separately addressed herein for brevity. However, Applicants reserve the right to present such arguments in a later response should one be necessary.

In light of the above, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better

**Reply under 37 CFR 1.116
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condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,

/John LaBatt/

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